

REMARKS

I. Status of the Application.

Claims 1-48 and 52-58 were pending in the above-referenced Application. In the Office Action, the Examiner alleged that three distinct inventions are claimed in the Application and required that the Applicant restrict the Application, pursuant to 37 CFR § 1.499, to one of the following inventions:

- Group I: Claims 1-18 and 52-54, drawn to a method of manufacture;
- Group II: Claims 19-36 and 55-57, drawn to a kit for a suspension system; and
- Group III: Claims 37-48 and 58, drawn to a suspension system.

The Examiner stated that the inventions listed as Groups I, II, and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical features for reasons noted within the Office Action. Office Action, page 2.

In addition, the Examiner determined that the claims of the present Application were directed to more than one species of the generic invention, alleging that the following species are deemed to lack unity of invention because they are not so linked as to form a general inventive concept under PCT Rule 13.1:

- Species I: Claims 10, 11, 28, 29, 42-46, 54, 57, and 58; and
- Species II: Claims 6-9, 24-27, 38-41, 52, 53, 55, and 56.

Claims 1-5, 12-23, 30-37, 47, and 48 were identified by the Examiner as being generic claims within the Application.

The Examiner then explained that a reply to this requirement must include an identification of the elected invention and species and a listing of all claims readable thereon, and set forth a one (1) month shortened statutory period for response. This paper is being filed within such shortened statutory period.

II. Election and Identification of Group Claims.

Applicant elects, without traverse, the Group I invention, comprising claims 1-18 and 52-54, for examination. Claims 19-48 and 55-58 have been withdrawn from consideration. Applicant reserves the right to present claims covering the subject matter identified as the second and/or third Groups of claims in one or more divisional applications of the current Application, claiming priority to any application to which the present Application claims priority.

III. Election and Identification of Species Claims.

Applicant provisionally elects, with traverse, the Species II claims, comprising claims 6-9, 52, and 53, within the elected Group I claims, for examination. Applicant respectfully submits that the nature of the present Application, including the scope of generic claim 1, renders the present Species election inappropriate, and therefore Applicant respectfully requests that the Species election requirement be withdrawn for the following reasons.

According to MPEP 1893.03(d), "A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding technical feature." As referenced therein, the term "special technical features" is further defined "as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the

prior art." MPEP 1893.03(d). Applicant respectfully submits that the "special technical features" as claimed in claim 1 define Applicant's contribution over the prior art for the reasons stated below, and as such, Species I and II are sufficiently linked to form a single general inventive concept under PCT Rule 13.1.

Claim 1 of the present Application claims a method of manufacture of a suspension system for a vehicle seat comprising the connection (in any order) of (i) "one of two interchangeable top portions," (ii) "a first part having a base portion," and (iii) "one of two interchangeable second parts comprising a spring element..." Application, claim 1. Applicant respectfully submits that the third element, namely "one of two interchangeable second parts comprising a spring element," allows a manufacture of a vehicle seat suspension system, for example, to choose from one of two interchangeable second parts, noting that each part comprises a spring element as claimed in claim 1, which has been deemed generic by the Examiner.

Applicant respectfully submits that at least one special technical feature or inventive element of the present Application is to provide a seat system allowing interchangeability of component parts during manufacture depending on the preference of the end customer. Species I, as shown in Figure 2 , shows the component parts used if the end customer desires a coil spring arrangement in their seat system. Species II, as shown in Figure 3, is used if the customer desires an air spring in their final seat arrangement.

The various method, kit, and product claims of the present Application protect and claim the concept of the interchangeability of the systems shown in Figures 2 and 3. Method claim 1,

as referenced above, clearly requires the step of choosing between the parts shown in, for example, Figures 2 and 3, during the manufacture to achieve the end product desired by the customer. Applicant respectfully submits that the provision of two possible component parts from which a choice is made, and the arrangement of the remainder of the seat suspension system to accommodate this claimed interchangeability, represents at least one novel special technical feature or inventive element of the present Application. Applicant's requirement to therefore elect Species I or Species II is contrary to the claimed method, kit, and system claims of the present application, each of which provide that both species to be present and that a choice be made during manufacture as to which one to use.

A number of claims dependent from claim 1 relate to the interchangeable second parts as claimed therein. Claims 6 and 52, for example, claim that the spring element is an air spring, an exemplary interchangeable second part. Claims 7- 9 either depend from claim 6 or claim 52 and claim methods of manufacture involving an air spring. Claims 10 and 54 claim that the spring element "comprises one or more mechanical tension springs," an exemplary interchangeable second part. Claim 11, dependent upon claim 54, claims a method of manufacture involving one or more mechanical tension springs. As referenced above, each of these interchangeable second parts are contemplated under claim 1, which has been deemed generic by the Examiner.

For the reasons stated above, Applicant respectfully submits that the species election requirement is improper in view of the scope of generic claim 1, and respectfully requests that the requirement be withdrawn. Applicant respectfully submits that both identified species relate to a single inventive concept under PCT Rule 13.1, and consistent with MPEP § 1893.03(d), said

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species are linked to form a single general inventive concept based upon heir shared technical relationship as referenced above. Consistent with the foregoing, Applicant respectfully presents claims 1-18 and 52-54 of the present Application for consideration by the Examiner.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that Applicants have made a patentable contribution to the art and that this Response places the Application in condition for allowance. Accordingly, favorable consideration and allowance of claims 1-18 and 52-54 of this Application is respectfully requested.

In the event Applicants have inadvertently overlooked the need for a payment of a fee or for an extension of time, Applicants conditionally petition therefor, and authorize any fee deficiency to be charged to deposit account 09-0007. When doing so, please reference docket number P01487-US-00 (13030.0013).

Respectfully submitted,

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